

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17 mj 62**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ADDENDUM TO
)	DETENTION ORDER
)	
STEVE ALLEN TEESATESKIE, JR.)	

I. FACTORS CONSIDERED

18 U.S.C. § 3142:

(g) Factors to be considered.--The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account the available information concerning--

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of section 1591, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;

(2) the weight of the evidence against the person;

(3) the history and characteristics of the person, including--

(A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

(B) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

II.

FINDINGS

As to factor:

(g)(1): The nature and circumstances of the offense charged involve a crime of violence. Defendant is charged with assaulting an intimate partner in violation of 18 USC § 113(a)(8). Also, a baby born of the victim and defendant sustained bruises and cuts to its face and head during an altercation wherein the victim struck defendant with a whiskey bottle which broke with shards of glass striking the minor child.

(g)(2): The weight of the evidence against the person appears to be strong, compelling and significant. Neil Ferguson, a Sergeant with the Cherokee Indian Police Department, who investigates domestic violence testified and signed an affidavit describing that defendant had strangled his intimate partner and punched her in the face and body after she refused to have sexual intercourse with defendant.

(g)(3): The history and characteristics of the person

(A) Family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history and record concerning appearance at court appearances indicate that defendant has family ties; he has had employment, and has a long length of residence in the Cherokee Community. Defendant is in poor mental condition having been diagnosed with depression and anxiety disorder. Defendant has a history of alcohol abuse. Defendant's criminal record shows the following convictions:

<u>Date</u>	<u>County</u>	<u>Offense</u>	<u>Conviction</u>
6/15/08	Tribal Ct.	No operators license	8/15/08
4/3/09	Tribal Ct.	Purchasing, possessing and consumption of alcoholic beverage by a person under age 21	2/17/10

Defendant's record concerning appearance at court appearances shows defendant has never failed to appear at any type of court proceeding.

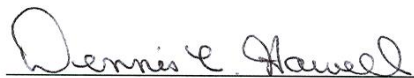
(B) At the time of the current offense or arrest, the defendant was on probation, parole or other release pending trial, sentencing, appeal or completion of sentence. It appears that this factor does exist.

(g)(4): The nature and seriousness of the danger to any person or the community that would be posed by the person's release indicate by clear and convincing evidence that the release of the defendant would create a risk of harm or danger to any other person or the community. Due to defendant's alcohol abuse, there is a danger to any other person or the community that would be posed by defendant's release. Officer Ferguson testified that defendant is a good citizen when he is not drinking. This testimony would indicate that when defendant is drinking he is not a good

citizen and would present a danger to any other person or the community. As a result, the undersigned will enter an order detaining defendant. However, should defendant be admitted to an inpatient treatment program for alcohol abuse, the undersigned would reconsider the issue of detention and allow defendant to attend the inpatient treatment program.

WHEREFORE, it is **ORDERED** that the defendant be detained pending further proceedings in this matter.

Signed: May 11, 2017

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Dennis L. Howell
United States Magistrate Judge

